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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,819	08/29/2001	David R. Larson	10019074-1	7583

7590 03/22/2005
 HEWLETT-PACKARD COMPANY
 Intellectual Property Administration
 P.O. Box 272400
 Fort Collins, CO 80527-2400

EXAMINER

ROSARIO, DENNIS

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/941,819

Applicant(s)

LARSON, DAVID R.

Examiner

Dennis Rosario

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

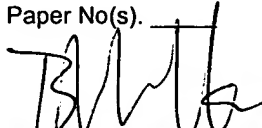
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached appendix.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).

13. ☐ Other: _____.


DWESH M. MENTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2621

DETAILED ACTION

Appendix

Response to Amendment

1. In response to page 11, lines 4 and 5 a clarification of claims 8 and 9 is presented.

Regarding claim 8, Betrisey et al. discloses the document processing system of claim 6, wherein, at said first increment (The table of fig. 13 shows an increment of an " α value" from "1" to "2" corresponds to a bloating operation that is performed in fig. 18: IMAGE BLOATING / FILTERING LOOK-UP TABLE.), lightness ("luminous intensity values" in col. 3, line 44.) of only one foreground component and background component ("background colors" in col. 3, line 49.) is decreased (The background colors and the corresponding luminous intensity values are "control[lcd]" in col. 3, line 44 using the "[α] alpha value" in col. 3, line 43 using "the following equation" in col. 4, line 47 which includes the background colors or R_B , G_B and B_B of the equation of column 4 decreased using the " α value". Note that the " α value" has a range of 0 to 1, so using the equation of column 4 $(1-\alpha)R_B$ results in a background color intensity of zero if $\alpha=0$: $(1-1)R_B=0$).

Regarding claim 9, Betrisey et al. discloses the document processing system of claim 6, wherein,

a) at said first increment (The table of fig. 13 shows an increment of an " α value" from "1" to "2" corresponds to a bloating operation that is performed in fig. 18: IMAGE BLOATING / FILTERING LOOK-UP TABLE. The table of fig. 13 is used in a first increment from a BEFORE block to an AFTER block of IMAGE SAMPLES in fig. 14.), lightness ("luminous intensity values" in col. 3, line 44.) of only one of the foreground component (fig. 14 shows an image foreground component labeled as "01" in a BEFORE block of the IMAGE SAMPLES.) and the background component (The background component shown in fig. 14, labeled as "00" on the left side of the BEFORE block of the IMAGE SAMPLES.) is altered (Fig. 14 shows the foreground component, "01", altered as "11" in an AFTER block of IMAGE SAMPLE in fig. 14 using the " α value" of fig. 14.), and

b) at a second increment (The same values of the AFTER block of IMAGE SAMPLES in fig. 14 is used again in a second increment from a BEFORE block of IMAGE SAMPLES, where the same values of IMAGE SAMPLES are located, to an AFTER block of IMAGE SAMPLES of fig. 14.), the image data (fig. 12,num. 837:TEXT OUTPUT shown in fig. 15 as an image in the BEFORE block of IMAGE SAMPLES.) is modified (via an arrow between the BEFORE and AFTER blocks of IMAGE SAMPLES.) by altering lightness ("luminous intensity values" in col. 3, line 44.) of the other of the foreground component and background component (The other background component shown in figs. 14 and 15, labeled as "00" on the left side of the BEFORE block of IMAGE SAMPLES, respectively, is altered from "00" in the BEFORE block of IMAGE SAMPLES of fig. 15 to "01" in an AFTER block of IMAGE SAMPLES in fig. 15.) such that overall lightness of the image data (Fig. 12,num. 837:TEXT OUTPUT shown in fig. 14 as an image in the BEFORE block of IMAGE SAMPLES in fig. 14.) is altered (Fig. 12,num. 837:TEXT OUTPUT shown in fig. 14 as an image in the BEFORE block of IMAGE SAMPLES in fig. 14 is altered as shown in the AFTER block of IMAGE SAMPLES in fig. 15 using the " α value" of fig. 15.).

Response to Arguments

2. Applicant's arguments filed 3/7/2005, pages 7-9 with respect to claim 1 have been fully considered but they are not persuasive.

Page 8, lines 10-12 states, "...Betrisey clearly involves modification of image data for use in displaying that data on a display device, in contrast to modification of image data for use in producing documents, as is generally recited in the pending claims."

Betrisey does involve modification (Fig. 12, numerals 808,810 and 812 perform a modification.) of image data (Fig. 12, num. 837:TEXT OUTPUT) for use(via numerals 822,824,825 use the modified image data from 807 which contains 808,810 and 812.) in displaying (fig. 12, num. 758:DISPLAY ADPATOR) that data (Fig. 12, num. 837:TEXT OUTPUT) on a display device (Fig. 12, num. 754: DISPLAY DEVICE) and modification (Fig. 12, numerals 808,810 and 812 perform a modification.) of image data (Fig. 12, num. 837:TEXT OUTPUT) for use (via numerals 822,824,825 use the modified image data from 807 which contains 808,810 and 812.) in producing (Fig. 12, num. 758:DISPLAY ADPATOR performs a producing operation or output operation as shown by the output arrow of fig. 12, num. 748: DISPLAY ADAPTOR.) documents (Fig. 12, num. 758:DISPLAY ADPATOR performs a producing operation or output operation as shown by the output arrow of fig. 12, num. 748: DISPLAY ADAPTOR where the output operation includes "output devices (not shown)...such as ...printers" in col. 12, lines 30,31.).

In addition, it is well known that image data (Fig. 12, num. 837:TEXT OUTPUT) for a display device (Fig. 12, num. 754: DISPLAY DEVICE) can be used to display an image and the same image data (Fig. 12, num. 837:TEXT OUTPUT) can be used to produce documents (via the "printers" in col. 12, lines 30,31) using the image data (Fig. 12, num. 837:TEXT OUTPUT).

Further on page 9, lines 20,21 states, "...the reference does not teach or otherwise disclose at least the features/limitations emphasized above in claim 1 [of with the image data modified by the image enhancement system]."

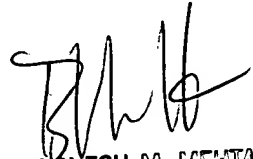
However, Betrisey does teach the image data (Fig. 12, num. 837: TEXT OUTPUT) modified (Fig. 12, numerals 808,810,812 and 813 perform a modification of fig. 12,num. 837 via numerals 820 and 802 where 802 contains the modifications 808,810,812 and 813.) by the image enhancement system (Fig. 11, num. 720 is a computer with a detailed view of fig. 12,num. 735: OPERATING SYSTEM shown in fig. 12,num. 735: OPERATING SYSTEM that includes the modification shown in fig. 12, numerals 808,810,812 and 813.).

3. Applicant's arguments filed 3/7/2005, pages 9,10 with respect to claim 2 have been fully considered but they are not persuasive.

Page 10, line 8-10 states," That is, the keyboard of Betrisey does not include an "actuator having an actuated state corresponding to the request for modification of the image data."

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However, Betrisey does disclose an actuator ("keyboard 740" in col. 12, line 16.) having an actuated state ("keyboard 740" in col. 12, line 16 can be used to "enter commands and information" in col. 12, line 15. Where "enter" in col. 12, line 15 is the actuated state.) corresponding to the request for modification (A user enters or actuates "commands" and "information" for fig. 11, num. 720 in col. 12, line 15 to modify a "width" in col. 12, line 14 using the "information" in col. 12, line 15 or "information" in col. 12, line 14.) of the image data (Fig. 12, num. 837: TEXT OUTPUT has its width modified via "information" in col. 12, line 14 actuated or entered by the keyboard.).



BRHAVESH M. MENTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2300